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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,734	11/29/2001	Pamela C. Yelick	10498-00031	4087

22910 7590 07/22/2003

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EXAMINER

RIBAR, TRAVIS B

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner of Patents and Trademarks

see attached

DETAILED ACTION

1. The amendment filed on May 15, 2003 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the methods appearing in claims 5-33 are separate and patentably distinct from the method appearing in claims 1-4. Specifically, the methods in claims 5-33 involve the creation of a dental implant, not a method to make new tooth tissue as called for in claims 1-4. Claims 5-33 do not include the same steps as the original method claims 1-4 and also include additional method steps making them separate and patentably distinct from the method steps of claims 1-4, such as the formation of a tooth mold, the source of the germ cells, the type of scaffold, and the implantation of the scaffold into an animal. The methods of claims 5-33 are therefore not the same as the methods claimed in claims 1-4.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis B Ribar whose telephone number is (703) 305-3140. The examiner can normally be reached on 8:30-5:00 Monday through Friday.


Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Travis B Ribar
Examiner
Art Unit 1711

TBR
July 18, 2003



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700